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May 26, 2009

Ms. Mary Adams  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
fax: (805) 543-0397 e-mail: [centralcoast@waterboards.ca.gov](mailto:centralcoast@waterboards.ca.gov)

**RE: Comments for the Central Coast Regional Water Quality Control Board's 2008 303(d) List of Water Quality Limited Segments**

Dear Ms. Adams:

On behalf of the California Coastkeeper Alliance (CCKA), which represents 12 Waterkeepers from the Oregon border to San Diego, including Monterey Coastkeeper, San Luis Obispo Channelkeeper, and Santa Barbara Channelkeeper in Region 3, I welcome the opportunity to submit these comments on the Public Review Draft 2008 303(d) list of impaired waters. CCKA commends the Central Coast Regional Water Quality Control Board (Regional Board) staff's proposed additions to the 2008 303(d) list and strongly urges the Regional Board to endorse the addition of these hundreds of water quality impaired segments to the 2008 303(d) list.

CCKA strongly supports each of the important additions proposed throughout the Central Coast region. CCKA also commends the Regional Board's decision to use an improved nitrate standard that is more protective of human life and aquatic life. CCKA asks the Board to add two listings discussed below. In addition, CCKA also urges the Regional Board to work with the State Water Resources Control Board, and other responsible agencies, to adopt aggressive Total Maximum Daily Load (TMDL) cleanup plans for existing listings, and for the new listings being proposed. This last point is also discussed further below.

CCKA strongly objects to the changing listing criteria for impaired waters as a mechanism to extend TMDL deadlines, and also strongly objects to calling these actions "delistings." A delisting occurs when the waterway has been completely restored to all beneficial uses over a sufficient length of time to ensure that any and all seasonal variations have been accounted for. Refining the pollutant at issue for the impairment does not mean the water is clean.

Elkhorn Slough provides an example: Regional Board staff are suggesting "delisting" Elkhorn Slough for pathogens (apparently listed in 1990) and proposing listing it for E. coli with a 2021 TMDL completion date. Sliding the TMDL completion date from the required 13 years from listing, to 31 years from listing date, is unacceptable. U.S. EPA Guidance specifies that the time between listing and TMDL completion is not to exceed 13 years or less. (See: [http://www.epa.gov/OWOW/tmdl/ratepace.html#N\\_2\\_#N\\_2](http://www.epa.gov/OWOW/tmdl/ratepace.html#N_2_#N_2)) CCKA generally supports scientifically-based listing refinement from a general pollutant (pathogens) to a specific pollutant (E. coli), but not if TMDL completion dates are pushed back in the process. The time from initial listing to TMDL completion must be completely transparent and expeditious. All instances of such recharacterizations should carry-forward with TMDL completion dates based on the *original* listing dates. Such actions should also *not* be characterized as "delistings"; for example, in the Elkhorn Slough case above, E. coli is a type of pathogen, so it is simply incorrect to "delist" for pathogens and then state that a pathogen is causing impairments. This must be corrected throughout the documents.

CCKA requests that the Regional Board and Board staff consider two additional listings for Monterey Bay. We believe that Central Coast Long-term Environmental Assessment Network (CCLEAN) data, which is in the Regional Board staff's possession, supports listing Monterey Bay as impaired for PCBs and perhaps DDT. The DDT and PCB-laden sediments are often referred to as the "bathtub ring" around Monterey Bay. The National Oceanic and Atmospheric Association published a report, using CCLEAN data, indicating that PCBs are being delivered down-current from San Francisco Bay. Listing Monterey Bay as impaired for PCBs would support the PCBs TMDL in the San Francisco Bay region as well as a cleaner Monterey Bay. Data on DDT, carried by sediments from the Pajaro and Salinas rivers, would support sediment and DDT TMDLs in these rivers as well. This listing would also bring attention to the value of healthy riparian corridors along our waterways. We believe you already have in your possession, or have had ready access to, the CCLEAN data to support listing Monterey Bay as impaired for DDT and PCB.

CCKA found that many of the key TMDLs for severely impaired waters of the Central Coast are scheduled to take nearly 30 years to complete; one third of a century for completion of TMDL cleanup plans is not acceptable. For example Watsonville Slough was listed in 1996, and its TMDL completion date is scheduled for 2021 (25 years); Schwan Lake was listed in 1992, and its TMDL completion date is scheduled for 2021 (29 years); and Moss Landing Harbor was listed in 1990, and its TMDL completion date is scheduled for 2021 (31 years). CCKA urges the Regional Board to advocate for more timely and effective TMDL cleanups plans for impaired waters, especially since those dates merely reflect the completion of the plan, rather than the actual cleanup of the waterways.

Many new and existing listings mention the removal of vegetated buffers and riparian vegetation as a suspected contributor to impairment. The Regional Board must move expeditiously to protect riparian corridors and should encourage restoration of vegetated buffers and riparian vegetation. Research has consistently shown that vegetated buffers remove and retain pesticides, nutrients, pathogens, and sediments. Riparian corridors are the last vegetated buffer that stormwater passes through before reaching open water bodies. CCKA strongly urges the Regional Board to take action to limit efforts driven by large agricultural operations to remove vegetated buffers around their farms as a "food safety practice." CCKA believes that if the RWQCB exercises its regulatory authority, agriculture and urban dischargers will learn to avoid polluting the public's water. Creating, implementing, and enforcing TMDLs to regulate discharges will send a message throughout the region. TMDL implementation and enforcement must become a major function of the Regional Board.

In sum, the Board must move ahead quickly to create and implement TMDLs. We have already waited a third of a century for TMDLs to be created for some water bodies. Critical, high priority water bodies such as the Salinas River should not wait any longer for attention. The Regional Board must take action now.

Thank you for this opportunity to comment; CCKA appreciates your consideration of these comments in your process of drafting California's 2008 303(d) list of water quality limited segments for California's Central Coast. In closing, CCKA urges the Regional Board to work to implement TMDLs for new and existing listings in a timely fashion consistent with U.S. EPA Guidelines. If you have any questions or would like discuss any of the above recommendations further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Lyons". The signature is written in dark ink and is positioned above the typed name and contact information.

Tom Lyons, Program Coordinator  
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